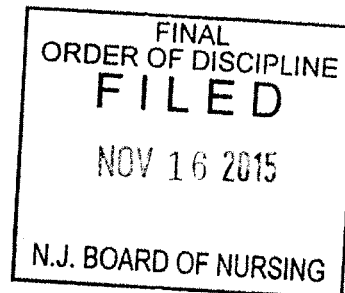
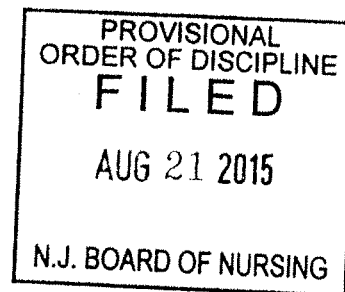


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
ELAINE MENDOZA, L.P.N.	:	
License # 26NP 06618100	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>Nov. 16, 2015</u> )
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey whose nursing license expired on May 31, 2015.

2. On or about March 6, 2015, a letter of inquiry issued on behalf of the Board, requesting information and documentation relating to an arrest on or about January 29, 2015 relating to charges of theft of movable property, and requesting, among other things, certificates of completion for all nursing continuing education completed in the last three years. (Exhibit A)

3. The inquiry was sent to respondent's address of record by certified and regular mail. The certified mailing was returned unclaimed. (Exhibit A) The regular mailing was not returned. No response has been received to date.

4. On or about January 29, 2014, a resident of Lumberton, New Jersey reported an apparent home burglary. Resident W.M. reported that he returned home to find that electrical power to the home had been turned off, and the house was in disarray. The police found the home had apparently been ransacked, and \$555 in cash was missing. When W.M. had left home, W.M.'s sister, and the sister's friend were present in the home. The identity of the sister's friend was respondent Elaine Mendoza. (Exhibit B)

5. When interviewed by the police, respondent admitted that she drove her friend, W.M.'s sister, to a destination, and then returned to W.M.'s residence when nobody was home. She cut the power to the residence, entered the residence, and took the missing money because she owed back rent. (Exhibit C)

6. On her 2013 renewal application, respondent indicated that she would complete required continuing education for the June 1, 2011-May 31, 2013 licensing cycle by May 31, 2013.

(Exhibit D)

7. A review of respondent's arrest/conviction history indicates that she was convicted of driving under the influence of alcohol on two occasions, on December 8, 2008 and July 25, 2011.

#### CONCLUSIONS OF LAW

1. Respondent's conduct in surreptitiously entering W.M.'s home and removing \$555 belonging to her friend's brother is an act demonstrating moral turpitude and conduct that relates adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f).

2. Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e ) and (h).

3. Respondent's failure to document timely completion of required nursing continuing education for the 2011-2013 licensing cycle is deemed to constitute a violation of N.J.A.C. 13:37-5.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

4. Respondent's indication on her 2013 renewal application that she would complete all required nursing continuing education for the 2011-2013 licensing cycle by May 31, 2013 constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 21<sup>st</sup> day of August, 2015,  
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in  
this matter:

1. Respondent's New Jersey nursing license is hereby suspended for a period of two years based upon the violation of N.J.S.A. 45:1-21(f). Moreover, respondent's nursing license may not be reinstated until she has documented completion of all required nursing continuing education, and until she has responded fully to the Board's March 6, 2015 letter of inquiry. In addition, no application for reinstatement will be entertained until respondent has undergone a comprehensive mental health and substance abuse evaluation under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP), and demonstrated that she is fit and competent to resume nursing practice.

2. A reprimand is hereby imposed upon respondent for misrepresentation on her 2013 renewal application in violation of N.J.S.A. 45:1-21(b).

3. A civil penalty in the amount of \$500 is hereby imposed for respondent's failure to respond to the Board's March 6, 2015 inquiry; as well as a civil penalty in the amount of \$250 for respondent's failure to timely complete nursing continuing education, for a total penalty amount of \$750. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of Leslie Burgos-Bonilla, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101 within twenty-one days of the filing of a Final Order of Discipline in this matter.

4. Upon finalization of this order, respondent shall refrain from practicing as a nurse and shall not represent herself as a licensed practical nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Leslie Burgos-Bonilla, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of

Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: *Patricia Murphy PhD APN*  
Patricia Murphy, PhD, APN  
Board President